In the High Court of Punjab and Haryana, at Chandigarh.

R.S.A. No. 3632 of 2007

Date of Decision: 6.12.2007

Deputy Raj

…Appellant

Versus

Sat Pal

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Deepak Gupta, Advocate
for the appellant.

RAJESH BINDAL, J.

Learned counsel for the appellant states that he does not wish to press the present appeal. However, he states that he is in occupation of the entire house since 1984 and is in process of constructing another house. He submits that some reasonable time be granted to enable the appellant to vacate the house and shift to new premises. Prayer seems to be reasonable. Parties to the appeal are real brothers.

On an undertaking to be filed before learned Executing Court, where the execution is pending, the appellant shall be permitted to retain the possession of the premises upto March 31, 2008. However, in case of failure to deliver the possession of the property to the respondent on or before the date mentioned above, the respondent shall be entitled to take appropriate remedy against the appellant including filing of contempt. In that case the appellant shall also be liable to pay damages for use and occupation to the respondent @ Rs. 10,000/- per month from December 2007 onwards.

The appeal stands disposed of in above terms.

(Rajesh Bindal)
Judge

December 6, 2007
"DK"